

CIVIL COMPLAINT FORM TO BE USED BY A *PRO SE* PRISONERIN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Ruben Conji Holton
Full Name of Plaintiff Inmate Number

v.

Civil No. 4:21-CV-0737
(to be filled in by the Clerk's Office)

Warden Scott Finley
Name of Defendant 1

☐ Demand for Jury Trial☐ No Jury Trial Demand

C. A. Ryan Miller
Name of Defendant 2

H.S.A. Bret Brosious
Name of Defendant 3

C.D. Ellen Liebson-Mace
Name of Defendant 4

U.M. Richard Raup
Name of Defendant 5

(Print the names of all defendants. If the names of all defendants do not fit in this space, you may attach additional pages. Do not include addresses in this section).

FILED
SCRANTON
APR 22 2021
PER [Signature]
DEPUTY CLERK

I. NATURE OF COMPLAINT

Indicate below the federal legal basis for your claim, if known.

- ☐ Civil Rights Action under 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☒ Civil Rights Action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971) (federal defendants)
- ☒ Negligence Action under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346, against the United States

N.P. Mary Spiese
Name of Defendant #6

II. ADDRESSES AND INFORMATION

A. PLAINTIFF

Holton Ruben, Conji
Name (Last, First, MI)
23758-055
Inmate Number
Federal Prison Camp Schuylkill
Place of Confinement
P.O. Box 670,
Address
Minersville, Pennsylvania 17954
City, County, State, Zip Code

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☐ Convicted and sentenced state prisoner
☒ Convicted and sentenced federal prisoner

B. DEFENDANT(S)

Provide the information below for each defendant. Attach additional pages if needed.

Make sure that the defendant(s) listed below are identical to those contained in the caption. If incorrect information is provided, it could result in the delay or prevention of service of the complaint.

Defendant 1:

Finley, Scott
Name (Last, First)
Warden
Current Job Title
P.O. Box 700
Current Work Address
Minersville, Pennsylvania 17954
City, County, State, Zip Code

Defendant 2:

Miller, Ryan
Name (Last, First)
Camp Administrator
Current Job Title
P.O. Box 700
Current Work Address
Minersville, Pennsylvania, 17954
City, County, State, Zip Code

Defendant 3:

Brosious, Bret
Name (Last, First)
Health Service Administrator
Current Job Title
P.O. Box 700
Current Work Address
Minersville, Pennsylvania 17954
City, County, State, Zip Code

Defendant 4:

Liebson-Mace, Ellen
Name (Last, First)
Clinical Director
Current Job Title
P.O. Box 700
Current Work Address
Minersville, Pennsylvania 17954
City, County, State, Zip Code

Defendant 5:

Raup, Richard
Name (Last, First)
Camp Unit Manager
Current Job Title
P.O. Box 700
Current Work Address
Minersville, Pennsylvania 17954
City, County, State, Zip Code

Defendant 6: Spiese, Mary

Current Job title: Nurse Practitioner

Current Work Address: P.O. Box 700

City, County, State, Zip Code: Minersville, Pennsylvania 17954

III. STATEMENT OF FACTS

State only the facts of your claim below. Include all the facts you consider important. Attach additional pages if needed.

A. Describe where and when the events giving rise to your claim(s) arose.

See Statement Of Facts/Declaration Attached

B. On what date did the events giving rise to your claim(s) occur?

See Statement Of Facts/Declaration Attached

C. What are the facts underlying your claim(s)? (For example: What happened to you?
Who did what?)

See Statement Of Facts/Declaration Attached

Statement Of Facts

Warden Scott Finley, continues to allow Staff to walk around maskless/gloveless, which actually led to half the Campers contracting COVID-19. I was retaliated against by several staff, even after warning Warden Finley via E-mail on 5-13-20 about C.O. Gottshall & Dr. Mace on 7-31-20. He refuses to look into Staff mis-conduct. He didn't test any of us here at Camp Schuylkill, even after knowing that we came into contact with Unit Manager R. Raup, while he was positive for COVID-19. I've reached out to Warden Finley several times of discrimination, as well as retaliation of his staff towards me constatly.

H.S.A. Bret Brosious, failed on several occasions to afford me adequate treatment & to be seen at sick-call. Not only did I E-mail him, I sent him a letter/Cop-Out via U.S. Mail Certified Receipt on 11-22-20 & still never received a response. I've also reached out to him recently, with no help afforded me.

Unit Manager Richard Raup, harrassed me, threatened me with shots, called me racial names, along with showing Prejudice actions against me. He thwarted several remedies & ordered several staff not to help me in any way, after I declined to transfer to RDAP, due to my fear of COVID-19. He called me a frequent filer, in the Admin. Bldg. on several occasions. Made me stop wearing a mask that Id'e been wearing for 3 months. I had to get a BOP issued one, which activated my asthma & he knew that. Furthermore, he made sure that no staff would give me an asthma friendly mask, even when I requested one from Health Service Personnel, & he threatened me with a shot, which i actually received from Camp Administrator Ryan Miller on 10-19-20.

I handed him a cop-out in the Law Library & he stated in front of all the prisoners present: "E-mail it to me, so I can deny you that way". In the Admin. office on 9-14-20 he stated: "Holton I really can't wait until you leave", as I was closing the door he said: "I can't stand that Black mother-Fucker". He wouldn't let me take my Religious Diet/Common Fare meal out of the chow

.....hall, because I was'nt a Jew. He directed C.O. N. Brinich to harrass me about this issue also. R. Raup verbally harrassed me on 11-24-20 in the Admin. Bldg. knowing that I was'nt doing well. Finally, Mr. raup put myself and others at risk of COVID-19, by eating with us and not wearing a mask. He even came back to work early for 2 days, while not being medically cleared, after testing positive for COVID-19.

Dr. Mace, twisted my arm, forcibly imobilized me and had me laid out in pain, with her knee in my back with my hurt shoulder /arm behind in the Health Service Unit. I was literally crying during this assault and was in worse pain then when I came in. She also falsified my medical records. Nurse Practitioner Mary Spies witnessed this event. The Warden had SIS threaten me with the SHU, after I E-mailed him of this occurance and I was forced to sign a statement on 7-31-20 in the FCI lobby. She also ignored several E-mails in my advocating for medical treatment.

Nurse Practitioner Mary Spiese, denied me sick-call/medical services twice in September & November, also in february of 2021, even after witnessing me in terrible pain. She also falsified my medical records on several occasions & she left me in pain on the floor on 11-23-20 in the Admin. Bldg. when I was having severe chest pain & difficulty breathing. two prisoners had to pick me up & wheel me down to the Health Service Unit.

If it was'nt for another prisoner, who was given the Pfizer Vaccine to protect him from COV-19 on 2-8-21 testing positive, I would've been in the dark of my own diagnosis. Also, I would've been spreading COV-19 still to several other prisoners, unknowingly due to the denial of medical services, all in retaliation against me, for pursuing my rights as a prisoner of utilizing the Remedy Process. If M. Spiese on 2-22-21, had at least taken a temp, or listened to my explination further of my symptoms, she would've discovered that I was COVID-19 positive then, vs. 8 days later, due to indifference to my serious medical needs. I'm still currently experiencing difficulty breathing, chest pain, migrane headaches, loss of taste and smell, dizziness, along

.....fatigue.

Camp Administrator, Ryan Miller, continues to retaliate against me and give all campers Mass Punishment. On, 10-19-20, upon leaving the chow-hall, I took my mask off, being that there was nobody around me. Mr. Miller came out of Camp #1 and told me to come here. While approaching him, he asked why I didn't have my mask on. I let him know that i was by myself and didn't have to have it on for social distancing, since there was nobody around me. He took my ID and gave me a shot.

He also gave myself along with over 30 other inmates a shot on 4-7-21, for an untidy quarter, after on 4-5-21, taking everything from us, including the phones, in retaliation for the class action lawsuit that we have against Warden Finley due to us contracting COVID-19.

Declaration Of Ruben C. Holton

1. I'm currently incarcerated at FCI Schuylkill, in minimum security Satellite Camp (FPC Schuylkill). My Reg # is 23758-055.
2. I'm 45 years old.
3. I submitted a BP-9 on 7-27-20, requesting proper & adequate medical care, to Warden Scott Finley, in regards to my persisting sinus, ear & back problems. On 7-28-20, Finley denied my request, & responded with false information, within such denial.
4. On 7-30-20 I was inappropriately examined by Dr. Mace in the Health Service Unit.
5. On 9-10-20 & 9-14-20, I was denied sick-call by Mary Spiese, & I Filed a BP-8 On 9-14-20 regarding these denials.
6. On 9-9-20, I appealed to Central Office per Program Statement "Response Time" Section 542.18, due to the Regional Director's non-response, within the allotted time. The Administrator of National Appeals for Inmates, Ian Connors, denied my Central Appeal on 10-30-20, Ironically, before I received the denial from regional Director N.C. English.
7. On 10-28-20, my Security Total was raised to 10, due to 2 retaliatory Incident Reports, that was given to me on 10-19-20 (I.R. # 3442961) & 10-24-20 (I.R # 3444551), intentionally to get me transferred, knowing that I have a 2241 pending against Warden Finley, in front of Judge Arbuckle No. 1:20-cv-01740-WIA. Additionally, my Security total never went down from 8 since March of 2019. I've only had my Sec. total points decreased once since 2016.
8. On 11-16-20 & 11-19 20, I was denied sick-call by Mary Spiese.
9. On 11-29-20 I was rushed to Lehigh Valley E.D. for Severe Chest Pain & Difficulty Breathing. After an EKG & chest X-Ray; Left Atrial Enlargement & sinus rythm was detected (heart murmur), also Hypoerated Lungs & Lower Bronchovascular Markings were found.
10. I was put in quarantine, at the "Medium" against my will, being put "In Custody", when I'm "Out of Custody". I was in Bldg. #4B, cell 214 from 12-29-20 to 12-23-20 & in the SHU from 12-23-20 to 1-11-21, in cell #112. Due to the entire Camp comming to Bldg 4B.
11. I was put in a regular cell with a cell-mate, with innerconnecting vents, with no coverings. I was not housed in a

...Certified Airborne Isolation (ALL) Room Per CDC Mandate, noe a Negative Pressure Isolation room (NPIR), as Per BOP P.S. 6031.04.

12. On 12-4-20, Regional Director denied my appeal, 4 months after filinf the BP-10 (Remedy ID # 1035821-R1_), Which I received while in quarantine.

13. I was mixed in with positive prisoners, while in quarantine & shared showers with them, which we were only allowed 3 times a week for 5 minutes & clean our cells once weekly (Sundays).

14. On 1-11-21, I was brought back to the camp (Camp #2) along with my cell-mate & 37 other prisoners. I & my cell-mate were the only COVID-19 negative prisoners, the other 37 tested positive .

15. On 1-21-21, I & my former cell-mate were moved to Camp #1, along with 2 infected prisoners & 2 negative prisoners from the SHU.

16. We have no hand sanitizer & staff still wear their masks minimally & never wear gloves, knowing that FCI Schuylkill has been having serious outbreaks of COVID-19.

17. On 2-19-21, The Regional Director partially granted my Incident Report # 3442961, in regards of Code 317 (Failure to Follow Safety & Sanitation). On 3031021, Counselor Dewald & Case Manager Condit did a re-hearing of this I.R. # 3442961, & also I.R. # 3444551. They stated that they had to find me guilty on both & did. I appealed both Incident Reports again to Warden Finley on 4-7-21.

18. On 2-22-21, I went to sick-call, & complained of chest pain/ difficulty breathing & was teased by Mary Spiese & denied treatment. I left & let Counselor Dewald know what transpired. I E-mailed Warden Finley, Dr. Mace, H.S.A. B. Brosious, & Dr. Green about this situation to no avail.

19. On 2-23-21, I returned to sick-call with worsening symptoms & nothing was done by P.A. Andreuzzi.

20. On 2-26-21, I spoke with Dr. Green & let her know that I was sick, & explained to her the symptoms. She said she would pass them along.

21. On 3-2-21, I tested positive for COVID-19, after another prisoner who took the vaccine on 2-8-21, tested positive & gave it to me.

22. On 3-15-21, I was released from Isolation, without being tested again for COVID-19, to ensure that I wouldn't spread it to those in general population. Also I didn't see a doctor.

23. On 3-19-21, I received a copy of my medical records, & noticed that they were falsified.

24. On 3-21-21, I sent a Claim For Damage, Injury, Or Death (tort) to the Director Of FBOP Michael Carvajal.

On 3-23-21, I E-mailed Brosious in regards to my Medical Records being falsified & discrimination/retaliation, as well as being denied sick-call by P.A. Andreuzzi, in which I E-mailed DR. Mace also.

25. On 3-26-21, I went to sick-call, due to persisting symptoms of COVID-19 & was told to get stool softener.

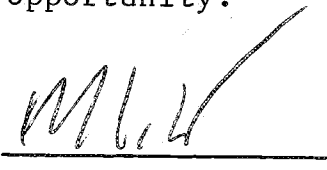
26 On 3-29-21, I declined the Pfizer vaccine, due to persisting symptoms of COVID-19, still sick & not fully recovered.

27. I've never seen any doctor or screened with a X-ray of my chest or any of the COVID-19 symptoms that I continue to have at present.

28. I declare under the penalty of perjury that the contents of this declaration are true and correct to the best of my knowledge.

29. Additionally, on 4-7-21, I received an Incident Report # 3491420, code 307, along with 30 plus prisoners for untidy cubes, as retaliation of our Class Action, V. Warden Finley. (Case # 1:21-CV-384-MCC) that is in front of Judge Sylvia Rambo. I appealed this I.R. on 4-9-21, due to retaliation & wrong Prohibited Code Act, for untidy quarters is code 330, Not 307. The Class Action is about us being in the "Medium" & put in dirty cells & purposely interacting us with positive prisoners.

30. I will sign a hard copy of this declaration at my earliest opportunity.


_____/s/ 23758-055
Ruben Holton 23758-055

4-13-21
Dated

IV. LEGAL CLAIM(S)

You are not required to make legal argument or cite any cases or statutes. However, state what constitutional rights, statutes, or laws you believe were violated by the above actions. If you intend to assert multiple claims, number and set forth each claim in separate paragraphs. Attach additional pages if needed.

Deliberate Indifference was shown towards me, in several ways.
Exposing me to a serious communicable disease several times;
violating my Inmate Rights to be treated as a human being,
treated respectfully, impartially & fair by all personnel.
Violating my right to health care, proper ventilation, medical
& dental treatment, as well as a smoke-free environment. Ect.
Violating my 8th Amendment Right by exposing me to ' Cruel &
Unusual Punishment" & " deliberate Indifference to my Serious
Medical Needs".

V. INJURY

Describe with specificity what injury, harm, or damages you suffered because of the events described above.

Permanent limp, shoulder pain, difficulty breathing, chest-
pain, migrane headaches, loss of taste, nose congestion. ect.

VI. RELIEF

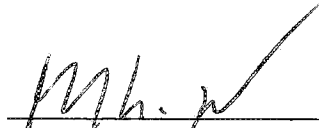
State exactly what you want the court to do for you. For example, you may be seeking money damages, you may want the court to order a defendant to do something or stop doing something, or you may be seeking both types of relief. If you are seeking monetary relief, state your request generally. Do not request a specific amount of money.

Monetary Relief, Defendant's conduct reviewed/investigated. To
be afforded adequate medical care. To have a MRI/Cat scan. To
be evaluated by an Ear, Nose, & Throat Doctor. And to have my
teeth cleaned. To make sure staff are properly trained to safe-
guard us from Re-Infection of COVID-19

VII. SIGNATURE

By signing this complaint, you represent to the court that the facts alleged are true to the best of your knowledge and are supported by evidence, that those facts show a violation of law, and that you are not filing this complaint to harass another person or for any other improper purpose.

Local Rule of Court 83.18 requires *pro se* plaintiffs to keep the court informed of their current address. If your address changes while your lawsuit is being litigated, you must immediately inform the court of the change in writing. By signing and submitting the complaint form, you agree to provide the Clerk's Office with any changes to your address where case-related papers may be served, and you acknowledge that your failure to keep a current address on file with the Clerk's Office may result in dismissal of your case.



Signature of Plaintiff

4-13-21

Date



RECEIVED
CRANTON

APR 22 2021

DEPUTY CLERK



U.S.D.C. Middle District of PA.
235 N. Washington Ave
P.O. Box 1148 / Clerks Office
Scranton, PA 18501

PER DEPUTY CLERK

APR 22 2021

Scranton, PA

Scranton, PA 18501

P.O. Box 670

Urban Holton 23158-055
Federal Prison Camp Schuylkill

